

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 04/21/04

Division: Wastewater Issues

Bulk Item: Yes No X

Department: Wastewater Issues

AGENDA ITEM WORDING:

Approval of resolution to transfer Conch Key property (see Exhibit A) to the Florida Keys Aqueduct Authority (FKAA) for use as a wastewater treatment site and authorization for the mayor to execute deed.

ITEM BACKGROUND: This site was acquired by the BOCC from Florida Department of Transportation (FDOT) for use as a wastewater treatment site in January 2003.

PREVIOUS RELEVANT BOCC ACTION: On October 16, 2002 the BOCC approved acceptance of a quit claim deed and lease documents from FDOT for this proposed wastewater treatment site.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval of conveyance to FKAA.

TOTAL COST: N/A

BUDGETED: Yes N/A No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No X

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X 

OMB/Purchasing X 

Risk Management X 

DIVISION DIRECTOR APPROVAL:


James L. Roberts, County Administrator

DOCUMENTATION: Included X

To Follow

Not Required

DISPOSITION:

AGENDA ITEM # m5



Florida Keys Aqueduct Authority

Post Office Box 1239
1100 Kennedy Drive
Key West, Florida 33041-1239
Telephone (305) 296-2454
www.fkaa.com

John M. Koenig, Sr.
Chairman
Key West

Mary L. Rice
Vice-Chairman
Marathon

Harry E. Cronin
Secretary/Treasurer
Key Largo

Elena Z. Herrera
Rockland Key

Rose Dell
Big Pine Key

James C. Reynolds
Executive Director

April 6, 2004

Ms. Kim Nystrom
Land Authority
1200 Truman Annex, Suite 207
Key West, FL 33040

FAX to 305 295-5181

Dear Ms. Nystrom:

The Florida Keys Aqueduct Authority has awarded the contracts to proceed with construction of the wastewater systems on Baypoint and Conch Keys. The County has previously taken title to sites on these islands that will be used for wastewater facilities. The Florida Keys Aqueduct Authority would request that these properties now be transferred into the ownership of the Florida Keys Aqueduct Authority, as we proceed with construction.

It is our understanding that these items could be placed on the Commission's April agenda. We appreciate your assistance on this matter, if you have any questions please contact Kirk Zuelch at 305 296-2454 ext. 203.

Sincerely,
FLORIDA KEYS AQUEDUCT AUTHORITY


Jim Reynolds
Executive Director

cc: Suzanne Hutton

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AUTHORIZING A TRANSFER OF REAL PROPERTY TO THE FLORIDA KEYS AQUEDUCT AUTHORITY FOR PURPOSES OF ESTABLISHING A WASTEWATER TREATMENT FACILITY ON CONCH KEY.

WHEREAS, the County Commission recognizes that the issue of wastewater treatment is of substantial importance to the health and welfare of the residents of Monroe County; and

WHEREAS, the Florida Keys Aqueduct Authority has applied for the transfer of property on Conch Key for the establishment of a wastewater treatment facility; and

WHEREAS, Monroe County has surplus real property on Conch Key which is suited to use as the site of a wastewater treatment facility; and

WHEREAS, in accordance with F.S. 125.38, it is deemed in the interest of public health and welfare that said property be transferred to the Florida Keys Aqueduct Authority; now therefore

BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

1. Shall transfer to the Florida Keys Aqueduct Authority that parcel of property situated on Conch Key, described in Exhibit A, attached hereto and incorporated herein by reference.
2. The Mayor is authorized to execute a quitclaim deed transferring said property.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said board held on _____, 2004.

Mayor Nelson _____
Mayor Pro Tem Rice _____
Commissioner McCoy _____
Commissioner Neugent _____
Commissioner Spehar _____

(seal)
Attest: Danny L. Kolhage, Clerk

Board of County Commissioners
of Monroe County Florida

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Suzanne A. Hutton
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 9/5/04

Exhibit A

LEGAL DESCRIPTION

Monroe County right of way acquisition
from Florida Department of Transportation

A one hundred foot wide portion of State Road 5 (U.S. Highway 1) right of way in fractional section 14 & 15, Township 65 South, Range 34 East, Monroe County, Florida, lying south of and contiguous with the northerly right of way line of State Road 5 from Station 148+00 to Station 159+00 as shown on Florida Department of Transportation Right of Way Map, Section 90050-2509, sheet 12 of 28; inclusive also of the following parcel of land conveyed to the State of Florida Department of Transportation in O.R. 1714, P. 659:

Commence at the intersection of the southwesterly right of way line of South Conch Avenue extended and the northwesterly right of way line of State Road 5 (US-1); thence S 68°33'26" W, along said northwesterly right of way line of State Road 5 a distance of 10.00 feet to the Point of Beginning; thence continue along said northwesterly right of way line and the southeasterly line of Lot 1, according to the plat of "Conch Key A Subdivision", as recorded in Plat Book 2, Page 130 of the Public Records of Monroe County, Florida, a distance of 46.55 feet; thence N 22°48'19" E, a distance of 39.40 feet to a point on the aforesaid southwesterly right of way line of South Conch Avenue; thence S 67°16'34" E, along said southwesterly right of way line a distance of 30.51 feet; thence S 00°38'26" W along the easterly line of said Lot 1 a distance of 7.52 feet to the Point of Beginning, containing 763 square feet.

Less and except a parcel of land conveyed to Donald J. and Shelia R. Halladay in O.R. 1724, P. 1912, said parcel being more particularly described as follows:

Commence at the intersection of the southwesterly right of way line of South Conch Avenue extended and the northwesterly right of way line of State Road 5; thence S 68°33'26" W along the said northwesterly right of way line of State Road 5 a distance of 56.55 feet to the Point of Beginning; thence S 22°48'19" W, a distance of 47.25 feet to a point on a line drawn between point "A" and point "B" of the description of Conch Key Fire Station as recorded in Official Records Book 761, Pages 1773 through 1775; thence N 57°19'19" W along said line a distance of 41.77 feet to the aforesaid point "A", said point "A" being a point on said northwesterly right of way line of State Road 5; thence N 68°33'26" E along said northwesterly right of way line, a distance of 57.45 feet to the Point of Beginning, containing 972 square feet.

The total amount of right of way to be conveyed in this document is 109,791 square feet.

The bearings used in these legal descriptions are based on Florida Department of Transportation Right of Way Map, Section 90050-2509, sheet 12 of 28.

CERTIFIED TO:
FLORIDA DEPARTMENT OF
TRANSPORTATION

This legal description was written under my direct supervision and is true and correct to the best of my knowledge and belief.

Please see Sheet 2 for the sketch of the legal description. This sheet is not valid without Sheet 2.

MONROE COUNTY ENGINEERING DEPARTMENT
10600 AVIATION BOULEVARD MARATHON, FLORIDA 33050
305-289-6074

Jeffrey K. Wilder, PSM 6042

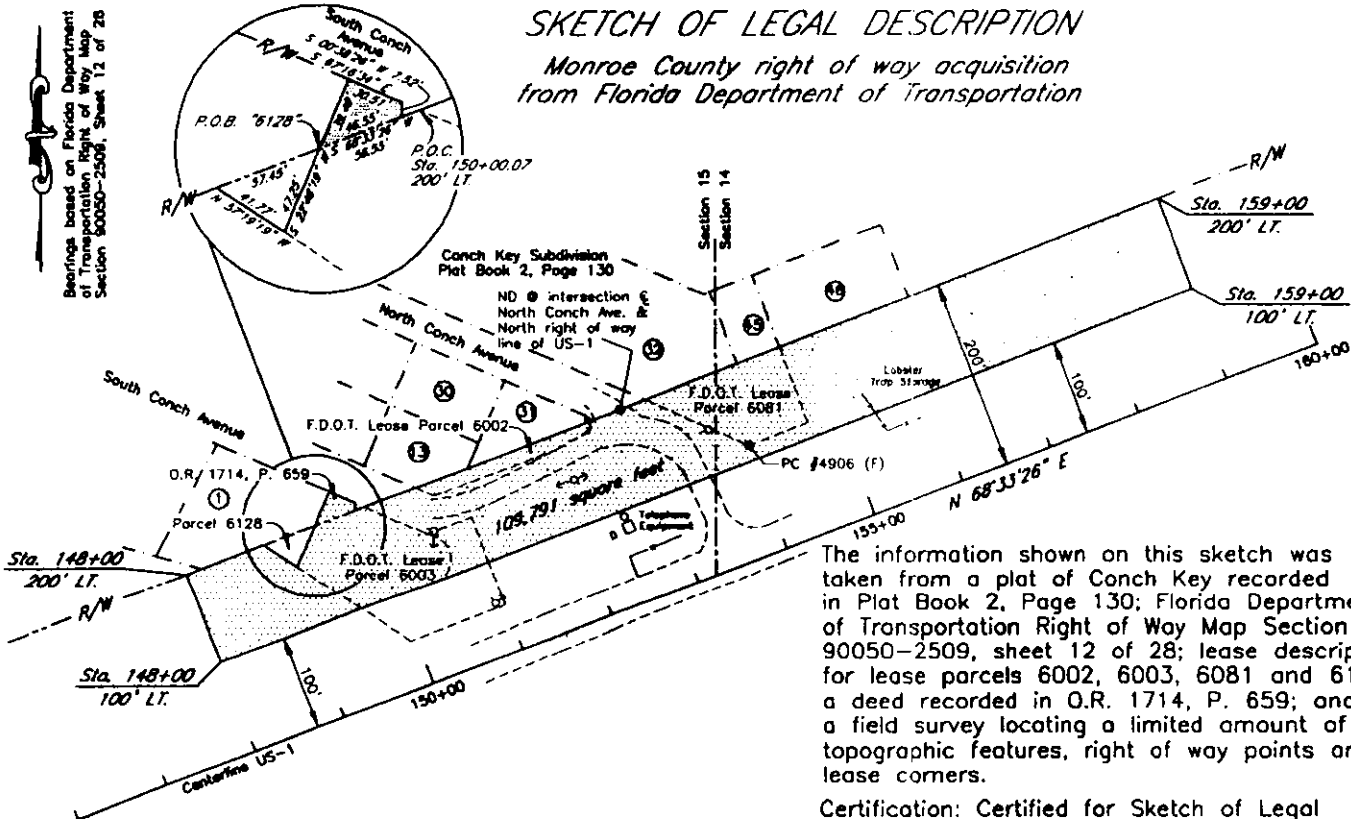
Must bear original raised seal of Florida Licensed Surveyor and Mapper to be valid, otherwise this is for informational purposes only.

Florida Department of Transportation, District VI
Item/Segment No.: 2503081
W.P.I. No.: 616663
State Project No.: 90050
Federal Project No.: N/A
State Road No.: 5/US 1/Overseas Highway (Gulfside, MM63)
County: Monroe
Parcel No. 6015 Sheet 1 of 2

FIELD WORK	7-08-02	DATE:	8-28-02
FIELD BOOK:	02-02	SCALE:	none
TOWNSHIP	65 South	DRAWN BY:	J. Wilder
RANGE	34 East	CHECKED BY:	J. Wilder
SECTION	14 & 15	OWG. NAME:	us1conch.dwg
COUNTY	Monroe	SHEET	1 OF 2

Exhibit A
Page 2

SKETCH OF LEGAL DESCRIPTION
*Monroe County right of way acquisition
from Florida Department of Transportation*



The information shown on this sketch was taken from a plat of Conch Key recorded in Plat Book 2, Page 130; Florida Department of Transportation Right of Way Map Section 90050-2509, sheet 12 of 28; lease descriptions for lease parcels 6002, 6003, 6081 and 6128; a deed recorded in O.R. 1714, P. 659; and a field survey locating a limited amount of topographic features, right of way points and lease corners.

CERTIFIED TO:
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TRANSPORTATION

LEGEND

- P.O.B. - Point of Beginning
- P.O.C. - Point of Commencement
- IP - Iron Pipe
- ND - Nail & Disk
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- ℄ - centerline
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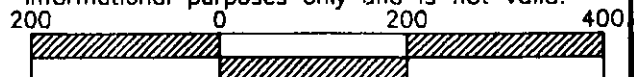
Please see Sheet 1 for the legal description. This sheet is not valid or complete without Sheet 1.

Certification: Certified for Sketch of Legal Description

I hereby certify that this sketch meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes. This sketch was performed under my direct supervision and is true and correct to the best of my knowledge and belief.

Jeffrey A. Wilder 8-29-02
Jeffrey A. Wilder, PSM 6042

Unless it bears the signature and original raised seal of a Florida Licensed Surveyor and Mapper this drawing, map, plat, or sketch is for informational purposes only and is not valid.



MONROE COUNTY ENGINEERING DEPARTMENT
10600 AVIATION BOULEVARD, MARATHON, FLORIDA 33050
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SECTION	14 & 15	DWG. NAME:	us1conch.dwg
COUNTY	Monroe	SHEET	2 OF 2

On and under the direction of,
Suzanne A. Hutton, Esq.
FBN 336122
Office of County Attorney
P.O.Box 1026
Key West, Fl. 33041-1026

QUITCLAIM DEED

THIS INDENTURE, Made this _____ day of _____, 2004, by and between **MONROE COUNTY**, Party of the First Part, by and through the Board of County Commissioners of Monroe County, Florida, whose address is 500 Whitehead Street, Key West, Florida 33040, to **FLORIDA KEYS AQUEDUCT AUTHORITY**, Party of the Second Part, a special district of the State of Florida with offices at 1100 Kennedy Drive, Key West, Florida 33040.

WITNESSETH

WHEREAS, Party of the First Part did heretofore acquire title to a parcel of property, on Conch Key, Florida, as recorded in Official Records Book 1848 at Page 2315 of the Public Records of Monroe County Florida; and

WHEREAS, Party of the Second Part desires to obtain said parcel for purposes of establishing a wastewater treatment plant; and

WHEREAS, Party of the First Part deems a transfer to Party of the Second Part to be in the best interest of the residents of Monroe County; and

WHEREAS, prior to the adoption of the resolution authorizing said transfer of said property, there has been published at least once a week for two weeks, the proposed transfer of land, as required by F.S. 125.35;

NOW, THEREFORE, THIS INDENTURE WITNESSETH: That the Party of the First Part, in consideration of acceptance of title to said property by the Party of the Second Part for a public purpose, does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest of the Party of the First Part to the property herein described all that certain land situate on Conch Key, in Monroe County, Florida, to wit:

See Legal Description in Exhibit A, attached hereto and incorporated herein by reference

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

IN WITNESS WHEREOF, the Party of the First Part has caused these presents to be signed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year first above written.

(OFFICIAL SEAL)

ATTEST:

DANNY L. KOLHAGE

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Deputy Clerk

By: _____
Mayor

MONROE COUNTY ATTORNEY

APPROVED AS TO FORM

Suzanne A. Hutton
SUZANNE A. HUTTON

ASSISTANT COUNTY ATTORNEY

Date

4/25/04

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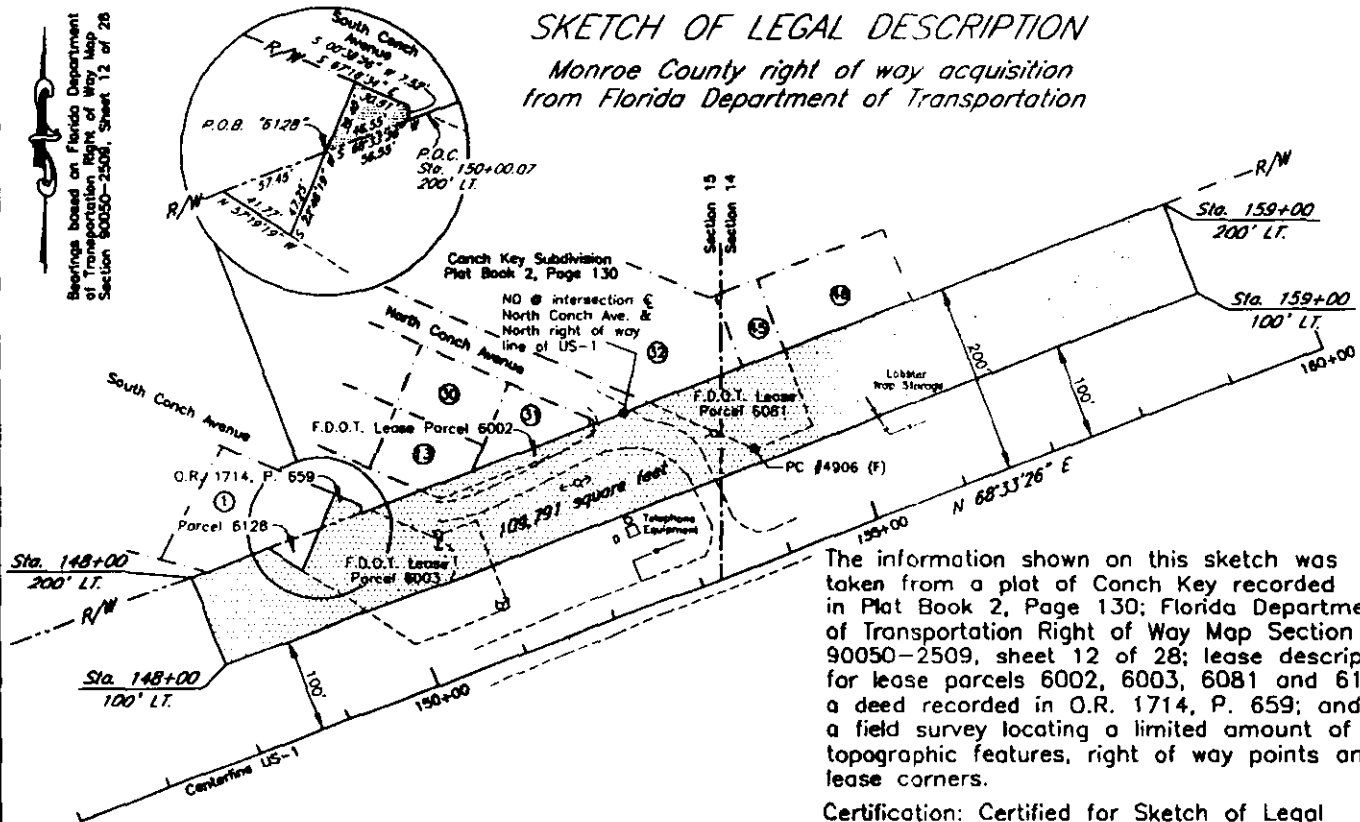
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200 0 200 400



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